

STATE OF HAWAII
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of
HAWAII GOVERNMENT EMPLOYEES'
ASSOCIATION, LOCAL 152,
AFSCME, AFL-CIO,
Petitioner,
and
FRANK F. FASI, Mayor of the
City and County of Honolulu,
Employer.

Case Nos. RA-02-15
RA-03-16
RA-04-17
RA-13-18

In the Matter of
HAWAII GOVERNMENT EMPLOYEES'
ASSOCIATION, LOCAL 152,
AFSCME, AFL-CIO,
Petitioner,
and
FRANK F. FASI, Mayor of the
City and County of Honolulu,
and
UNITED PUBLIC WORKERS, LOCAL
646, AMERICAN FEDERATION OF
STATE, COUNTY AND MUNICIPAL
EMPLOYEES, AFL-CIO,
and
HAWAII TEAMSTERS AND ALLIED
WORKERS, LOCAL 996, and
GEORGE KAISAN and ARTHUR
OHELO,
and
MTL, INC.,
Intervenors.

Case Nos. DR-02-12
DR-03-13
DR-04-14
DR-13-15

Order No. 157

ORDER DENYING MOTION FOR RECONSIDERATION

On November 14, 1977, the Hawaii Teamsters and Allied Workers, Intervenor in the above-entitled cases, filed a Motion for Reconsideration with this Board. Intervenor

MTL, Inc., filed a Joinder in Motion for Reconsideration also on November 14, 1977.

A hearing on the motion for reconsideration was held on November 18, 1977, in the Board's hearings room. Present at the hearing were Benjamin C. Sigal, attorney for the Hawaii Government Employees' Association; Richard D. Wurdeman, attorney for the City and County of Honolulu; James A. King, attorney for the United Public Workers; John R. Desha, II, attorney for the Hawaii Teamsters and Allied Workers, Local 996; and T. Irving Chang, attorney for MTL, Inc.

The Motion for Reconsideration asks this Board to reconsider certain conclusions of law in Decision No. 85, to wit:

1. . . . the conclusion is inescapable that MTL, Inc., is an instrumentality of the City and County of Honolulu and, it follows, that its employees are employed by the City. (page 14)
2. . . . it follows that all of MTL, Inc.'s employees, including all of those who do its hiring and firing, are employees of the City.

In Yamada v. Natural Disaster Claims Commission, 56 Haw. 621, 516 P. 2d 336 (1973), the Hawaii Supreme Court held that

. . . a statutory basis is necessary for an administrative body to initiate reconsideration of its prior final quasi-judicial decisions.
54 Haw. at 626, 513 P. 2d 1005..

The Teamsters and MTL, Inc., have not cited any authority to support their request for reconsideration. They merely submit that

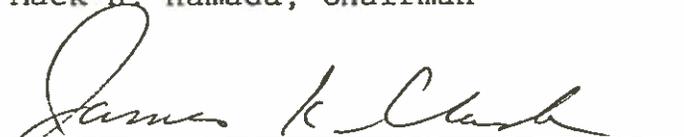
a close review of the evidence and testimony in this matter does not warrant a finding made by the Board as set forth above.

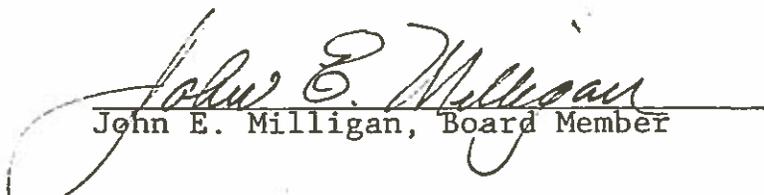
This Board cannot find any statutory authority which would allow it to reconsider the decision in this case, especially when all parties had ample opportunity to participate in the numerous hearings in this case and to present their views before the full Board.

The motion for reconsideration is denied.

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD


Mack H. Hamada, Chairman


James K. Clark, Board Member


John E. Milligan, Board Member

Dated: November 21, 1977.

Honolulu, Hawaii